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The Honorable Thomas S. Zilly

AT SEATTLE
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WESTERN DISTRICT OF WASHINGTON
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CV 01-01081 #00000040

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MUIO TRAN, KIM CUC NGUYEN, NHU
HUU TRAN, a minor child, LOAN HU
TRAN, a minor child,

Plaintiffs,

v.

CITY OF SEATTLE, et al ,

Defendants

No CO1-1081-Z

DECLARATION OF ROBERT R.
CIERLEY IN SUPPORT OF
SUMMARY JUDGMENT

ROBERT R. CIERLEY declares as follows

1. I make this declaration on the basis of personal knowledge and am
competent to testify to the matters herein.

2. I am a police officer with the Seattle Police Department and was so on
July 19, 1999.

3. On July 19, 1999, I received a call for fast back up and was directed to go
to 5101 South Orchard Street. I notified dispatch that I was on my way.

4 When I entered the residence, I saw Officer Little lying on his back
breathing heavily. I initially thought that Officer Little had been shot or stabbed. Officer

DECLARATION OF ROBERT R CIERLEY IN
SUPPORT OF SUMMARY JUDGMENT - 1

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1 Sausman was struggling next to Officer Little with a heavy Asian male, later identified as
 2 Muio Tran. In another room, two other officers were struggling on the floor with an
 3 Asian male, later identified as Hoa Tran. I observed broken glass on the floor. Pieces
 4 of furniture were overturned, and I saw household items strewn throughout the room.

5 5. I assisted Officer Sausman in attempting to gain control of Muio Tran. I
 6 verbally instructed Muio Tran to quit resisting, and attempted to stabilize his arm so that
 7 we could get handcuffs on him. As we were struggling with Muio Tran, an Asian
 8 female, later identified as Kim-Cuc Nguyen, attacked Officer Sausman. I observed Ms.
 9 Nguyen kick Officer Sausman, I also noticed that Ms Nguyen held what appeared to be
 10 a leg to a chair or small table in one of her hands Muio Tran was really slippery with
 11 perspiration, and it was difficult to hold onto him. He managed to pull his arm away
 12 from me and to strike out at the other officers. I had to use a small degree of force to
 13 restrain him in an attempt to make him comply, but he continued to resist. He also
 14 continued to kick out at us. Another officer arrived and grabbed Muio Tran's arm and I
 15 helped the officer keep his hold on Muio Tran while I placed a handcuff on Muio Tran's
 16 right wrist. We were unable to cuff his left hand at this time.

17 6. As someone administered pepper spray, I turned to assist Officer Little off
 18 of the ground. Although Muio Tran had been sprayed, he continued to resist and fight
 19 the officers. I turned toward Muio Tran and again commanded him to stop fighting and
 20 used a small degree of force to attempt to subdue him. In doing so, I was exposed to
 21 the pepper spray and had to leave. Before leaving, I assisted Officer Little up off the
 22 ground and took him out of the residence. When I reentered, Hoa Tran had been
 23 handcuffed and I escorted him outside to awaiting officers. Officers placed Muio Tran

DECLARATION OF ROBERT R. CIERLEY IN
 SUPPORT OF SUMMARY JUDGMENT - 2

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1 into my vehicle and I transported him to the South Precinct. I had no further
2 involvement with the plaintiffs or Hoa Tran.

3 7. In trying to defend myself and my fellow officers and in trying to subdue
4 Mr. Tran, I used the least amount of force necessary, even though I believe the
5 circumstances justified my using a greater amount of force. I believe that I acted
6 reasonably under the facts and circumstances known to me at the time of this incident.

7
8 I CERTIFY under penalty of perjury under the laws of Washington State that the
9 foregoing is true and correct.

10 DATED this 21 day of MAY, 2002.

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13 Robert R. Cierley
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DECLARATION OF ROBERT R. CIERLEY IN
SUPPORT OF SUMMARY JUDGMENT - 3

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